

Message Text

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C O N F I D E N T I A L KINSHASA 3160

E.O. GDS

TAGS: PINT, SHUM, CG

SUBJECT: TRIAL OF FORMER STATE COMMISSIONER FOR JUSTICE MAMPUYA;
CONDITIONS IN MAKALA PRISON

REF: A) STATE 079653 (NOTAL) B) KINSHASA 0765

1. SUMMARY: FORMAL CRIMINAL PROCEEDINGS AGAINST THE FORMER STATE COMMISSIONER FOR JUSTICE, MAMPUYA KANUK'A TSHIABO, AND TWELVE OTHER DEFENDANTS OPENED BEFORE THE SUPREME COURT ON MARCH 27. THE ZAIRIAN PRESS FIRST REPORTED THAT ALL HAD BEEN CHARGED WITH EMBEZZLING PUBLIC FUNDS, HOWEVER, ON MARCH 28 AND AGAIN ON MARCH 31 REPORTS IN THE KINSHASA DAILY NEWSPAPER SALONGO CLAIMED THAT THEY HAD ALSO BEEN CHARGED WITH "INVOLUNTARY HOMICIDE," IN CONNECTION WITH THE DEATHS BY STARVATION OF PRISONERS IN MAKALA PRISON. END SUMMARY.

2. THE TRIAL OF EX-JUSTICE COMMISSIONER MAMPUYA AND TWELVE OTHER DEFENDANTS FORMALLY OPENED BEFORE THE SUPREME COURT IN KINSHASA ON MARCH 27. THE COURT IMMEDIATELY GRANTED A CONTINUANCE UNTIL MARCH 30 SO THAT THE DEFENSE ATTORNEYS COULD COMPLETE THEIR PREPARATIONS. ACCORDING TO PRESS REPORTS OF THE PROCEEDINGS AS THEY RECONVENED
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ON MARCH 30, MAMPUYA IS CHARGED WITH EMBEZZLING OVER 60,000 ZIRES (\$75,000) IN PUBLIC FUNDS INTENDED FOR THE OPERATION OF THE PRISONS AND THE FEEDING AND CARE OF THE PRISONERS, AND WITH "INVOLUNTARY HOMICIDE" IN CONNECTION WITH THE DEATHS BY STARVATION OF FOURTEEN PRISONERS IN MAKALA PRISON.

3. ALSO CHARGED WITH EMBEZZLEMENT (AND REPORTEDLY "INVOLUNTARY HOMICIDE"), ALTHOUGH NO FURTHER DETAILS WERE GIVEN, WERE THE FOLLOWING TWELVE INDIVIDUALS: EX-SUPREME COURT JUSTICE MUTOMBO BAKAFWA NSENDA; EX-JUSTICE DEPARTMENT DIRECTOR GENERAL SIMBA MABINGU KABUKANYI; EX-DIRECTOR OF PENITENTIARY SERVICES BOMOLO-BO-NGWANLANGA; EX-DIRECTOR OF MAKALA PRISON BWANA MILAMBO; EX-JUSTICE DEPARTMENT AGENTS BISUMBELE BAMBI, BONGONDA BOKESSE, MAWANGO MOY BOKOKI, LUVUEMBA NDONGOLA, MBUYAMBA TSHOVO, MWENDELO-WA-LUBAMBU, AND BANZILA BOOTO; AND MWENDE MUKENGE, THE WIFE OF THE EX-COMMISSIONER MAMPUYA.

4. COMMENT: AS REPORTED REF B, THE CHARGES AGAINST MAMPUYA AND HIS COHORTS ORIGINATED FROM A REPORT ON THE GRIM CONDITIONS EXISTING AT MAKALA PRISON WHICH WAS PREPARED BY SOLICITOR GENERAL KENGO WA DONDO. A RELIABLE AMERICAN MISSIONARY SOURCE WHO FREQUENTLY VISITS MAKALA PRISON HAS TOLD US THAT CONDITIONS THERE HAVE IMPROVED MARKEDLY SINCE MAMPUYA'S DISMISSAL AND ARREST. THE PRISONERS NOW RECEIVED FOOD FROM PRISON AUTHORITIES EVEN THOUGH THE AMOUNT IS INADEQUATE AND HAS TO BE SUPPLEMENTED BY GIFTS FROM FAMILY, FRIENDS, AND AN ECUMENICAL CHRISTIAN RELIEF ORGANIZATION SET UP FOR THAT PURPOSE. AS A RESULT DEATHS DUE TO STARVATION AND MALNUTRITION HAVE DECLINED SIGNIFICANTLY: TWO SUCH DEATHS SINCE THE FIRST OF THE YEAR COMPARED
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WITH 60 IN NOVEMBER AND DECEMBER. THE AMERICAN MISSIONARY ADDED, HOWEVER, THAT PRIESTS AND PASTORS HAVE NOT BEEN ALLOWED TO SEE PRISONERS IN THE ISOLATION BLOCK SINCE CHRISTMAS. THIS HAS RAISED APPREHENSION ABOUT THE SITUATION IN THAT PORTION OF THE PRISON.
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